

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GENETEC, Inc.,

Plaintiff,

v.

PROS, Inc.,

Defendant.

Case No. 1:20-cv-07959 (JLR)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the attached Memorandum of Law, the Declaration of Sunil John sworn to on May 4, 2023 and the accompanying exhibits thereto, Declaration of John M. Doherty, Esq. sworn to on May 4, 2023 and the accompanying exhibits thereto, Rule 56.1 Statement of Material Facts and all other papers and proceedings herein, defendant PROS, Inc. (“Defendant” or “PROS”) will move this Court before the Honorable Jennifer L. Rochon, U.S.D.J., at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, Courtroom 20B, New York, New York 10007, on a date and at a time to be set by the Court, for an Order pursuant to Federal Rule of Civil Procedure 56 (1) granting it summary judgment on its counterclaim for breach of contract against plaintiff Genetec, Inc. (“Plaintiff” or “Genetec”), (2) summarily dismissing Genetec’s sole remaining claim for misrepresentation, and (3) granting it such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court Order entered on April 4, 2023, opposing affidavits and answering memoranda, if any, shall be served and filed on ECF on or before May 25, 2023.

Date: New York, New York
May 4, 2023

Respectfully submitted,

HOLLAND & KNIGHT LLP

/s/ John Doherty

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